



# Quid Novi

McGILL  
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12 1998  
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Vol. XVIII, No. 20

McGill University Faculty of Law  
Faculté de droit de l'Université McGill

March 9, 1998  
le 9 mars 1998

## BCL + LL B = more possibilities

CATHERINE PURDON  
LL B I

In casting your minds back to the events which occurred before Reading Week, some of you will remember that in the midst of memos and coffee houses there was also Placement Day. One of the panels that met was on the National Programme. The purpose of the panel was to discuss the advantages or disadvantages of completing the four-year programme. The panellists work in diverse areas of law and all had positive things to say about the National Programme. These insights were particularly timely and valuable given the current issue of curriculum reform, and it is unfortunate that this panel and Placement Day in general

were so seriously under-attended.

Paul Franco of Heenan Blakie in Toronto was our first speaker. He is currently practising securities, corporate, and commercial law. For him the National Programme was worthwhile since it gave him more career options. In his current work, he finds that having knowledge of both systems helps him to better spot issues for his clients, which is also a common experience for the other panellists. He also finds it useful in his work with South American countries and Portugal, since they are Civil Law jurisdictions and his knowledge of the Civil Law allows him to better understand their perspective on issues and needs as clients. Mr. Franco

Last page

## TOP TEN REASONS TO COME TO SKIT NITE

STEVEN LEITMAN  
NAT IV AND MASTER THESPIAN

- 10) Grand finale includes a strip tease by Daniel Ages.
- 9) Door prizes include usufructuary rights over Dean "Darth Vader" Toope's car.
- 8) Come see everyone poke fun at, I mean do impressions of profs.
- 7) Free popcorn for everyone named "Sam".
- 6) You can put it on your CV.
- 5) Who would want to miss Professor Webber playing the

- didgeridoo?
- 4) It beats the hell out of studying.
- 3) David Lee and the Headless Horseman playing dueling guitars.
- 2) At the intermission, they'll teach us how to get rid of ring around the collar.
- 1) It's on the exam.



## Environmental Law Careers Wine & Cheese

Bet you haven't considered work in environmental law before. Well now is your chance to meet some people who could change your mind.

Plusieurs avocat(e)s qui travaillent dans la région de Montréal seront présent(e)s. Ils/elles vont discuter de leurs cheminement dans le droit de l'environnement ainsi que de leurs dossiers récents.

Guests include: Robert Daigneault, Lapointe Rosenstein - author and head of the group analyzing environmental impacts of James Bay development; Julie Pelletier, North American Commission for Environmental Cooperation - working to implement, monitor and enforce environmental agreements contained in the NAFTA; Franklin Gertler, sole practitioner - co-founder of the Quebec Environmental Law Centre, counsel for various native groups, involved in making the federal government accountable for fast-tracking sale of Candu reactors to China.

Le colloque aura lieu mercredi, le 11 mars au Thomson House à 15h30. Besoin de plus d'information? morale\_j

## Upcoming Events

**Institute for the Study of Canada:** Panel discussion by John Murray of the Bank of Canada, Tim O'Neil of the Bank of Montreal and Steve Poloz of the BCA on "The Influence of Asian Markets on the Canadian Economy." March 10, Arts Building, room W-215, 5 PM.

LEGaLe McGill OUTLaw is sponsoring the next trip to the supreme court. The case to be heard is *M. v. H.*, a lesbian spousal support claim. Departure from the Faculty will be at 6:00 am on the morning of Wednesday, March 18th. We will be back in Montreal at about 19:30. The cost of the trip will only be \$5, the difference being covered by OUTLaw. **The sign-up sheet will not be available until the morning of Friday, March 6th — it will be located in the OUS.** Spots are limited, so please sign up early. For further info contact Nora (bednar\_n).

## Faculty Interviews

All Students are invited to the interviews for two tenure-track faculty positions. This is your opportunity to participate in the hiring process. Come meet the candidates!

John Craig: Monday March 9th, 4pm in the Common Room. He's currently at Oxford, and is interested in Labour Law.

Sunny Handa: Friday March 13th, Time TBA. He currently teaches at McGill. His interests lie in Intellectual Property.

If you have any questions or feedback regarding the candidates please forward them to Erin Needra at needra\_e.

## Erratum

La semaine dernière, le Quid publiait un article sur La Revue québécoise de droit international. La fin de l'article ayant été coupée, le Quid la publie ici. Mea culpa.

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Quid Novi is published weekly by students at the Faculty of Law, McGill University. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction.

Written contributions must be submitted in electronic form, in either Microsoft Word 6 or less or WordPerfect 6 or less. Disks or artwork can be left in the Quid Novi box in the LSA office or at the Quid Novi office. Written contributions can also be sent by e-mail. Deadline is each Wednesday at 12:00.

Si vous souhaitez soumettre votre candidature pour obtenir un poste de rédacteur/trice à la Revue québécoise de droit international, veuillez déposer: votre Curriculum Vitae; une lettre de motivation; votre relevé de notes. Quand? Avant le 16 mars 1998. Où? Dans le pigeonier du professeur René Provost (OCDH) en indiquant bien R.Q.D.I. sur votre enveloppe.

\*\*\*À noter que tout le Comité de rédaction actuel de la R.Q.D.I. a obtenu des crédits universitaires pour sa participation à cette activité en s'inscrivant à un cours donné à l'U.Q.A.M.



# VP External Report

MARIO NIGRO  
LL B II  
LSA VICE-PRESIDENT  
(EXTERNAL)

Here's the short version followed up with more details:

1. The new Chapters McGill Bookstore and how it affects our bookstore
2. SSMU- LSA Negotiations - Going Well
3. SSMU Elections are coming and the LSA is looking for Law Senators
4. KPMG Contract passed at SSMU Council
5. SSMU Court Case on Differential Tuition Fees - SSMU loses and appeals
6. The New McGill Student Centre
7. LSA Equity Policy - Draft Proposal

1. The New Chapters McGill Bookstore and how it affects our bookstore - Yes, that's right our bookstore next year will be managed by Chapters. A five year contract was recently signed between the university and Chapters. It is supposed to generate better returns and service for the university. As for how it affects your life, well, if you like your Starbucks Coffee, will you will be able to get it at The Bookstore, as they will have a cafe in the bookstore. Fortunately for law students, the Law Bookstore remains intact. We will be able to keep our bookstore under the current arrangement.

2. SSMU-LSA Negotiations going well - The negotiations to restructure our fee agreement with the SSMU are going extremely well, both sides are working positively to improve the rela-

tions and to acknowledge through financial means that the LSA is doing activities that are traditionally associated with the SSMU. We hope to have a final public agreement by next week for approval by Council.

3. The time has come for SSMU elections. I know it is the time you have been waiting for with all your hopes and passions at stake! Heck, maybe we can get Charest to run for the SSMU Presidency! But seriously, the candidates will be around this week putting up posters and looking for your attention. Fortunately, we will have a voting box in Chancellor Day Hall next week for the voting which takes place on Tuesday, Wednesday and Thursday. The LSA is also looking for Law Student Senators for the University Senate.

4. The KPMG Consulting Contract passed at SSMU Council last Thursday. This is the contract that will provide the SSMU with vision and leadership into the 21st century. Your Law Councillor voted against it, arguing that you can't buy leadership and vision. However, he lost hard. But he went down fighting!

5. SSMU Court Case on Differential Tuition Fees - The verdict is in. The SSMU lost in court on the attempts to declare differential tuition fees invalid. The SSMU Council on Thursday voted to spend approximately \$25 000 to begin the appeal at the Quebec Court of Appeal. Copies of the Court decision are available to interested parties.

6. The New McGill Student Centre - The building of the New Student Centre will begin this summer. It will be

built just north of the Shatner Student building, where apartments stand now. Copies of the architectural layout are available. If you are interested in seeing them please see Mario. The Student Centre will be finished in time for the 1999-2000 school year.

7. The LSA is currently putting together an equity policy for the future that will focus on insuring the highest level of service standards for the LSA and demonstrate a commitment by the LSA towards equality and social justice. A draft of this policy will be coming to Council in the near future. The policy itself will be posted for student feedback before it is voted upon at LSA Council.

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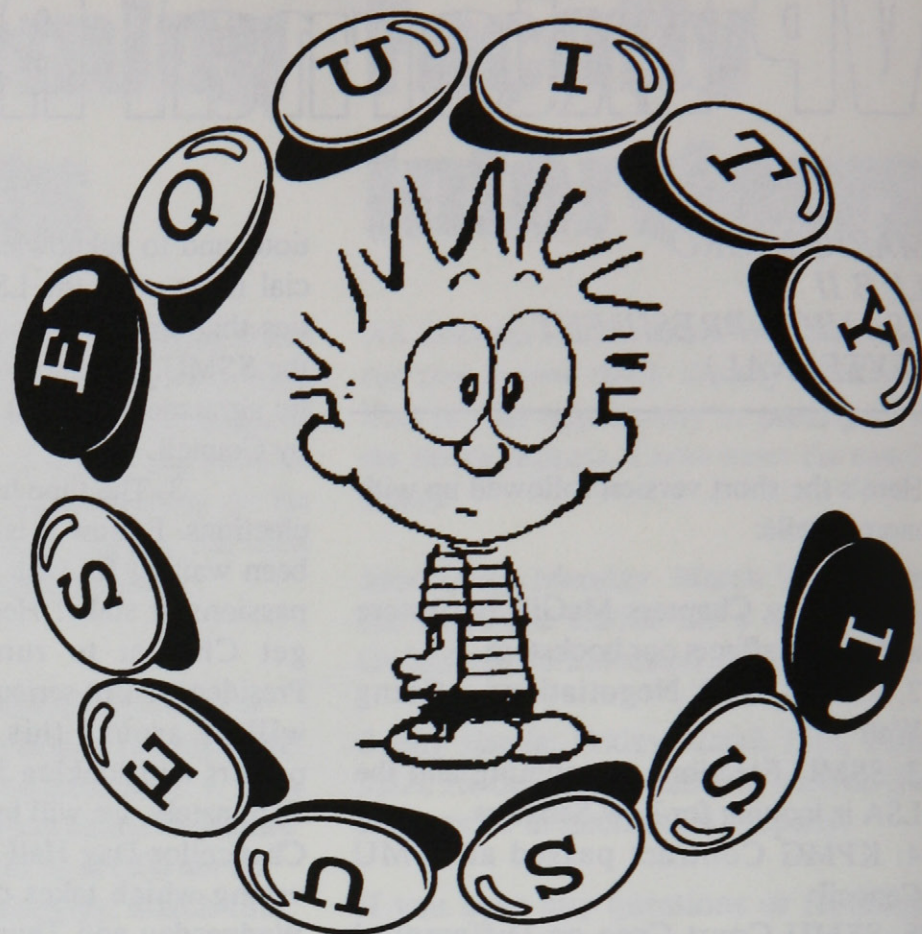


McMaster Meighen  
SOCIÉTÉ EN NOM COLLECTIF  
Avocats

Fier de commanditer  
le Quid Novi  
pour 1997-98



# Different colours, different people



4

AMEE SANDHU  
LL B III

Previous articles by Jo-Anne Pickel, Dyanoosh Youssefi and Azim Hussain on the topic of equity issues have been thought-provoking. It's about time someone had the *chutzpah* to start a dialogue about these issues. This topic is one that is in need of intelligent and personal discussion. I want to address how identity issues formulate and inform the minds of people from historically disadvantaged and discriminated against groups. Specifically, my goal is to make readers aware of what may be going on in the minds of their classmates and friends.

First of all, I would like to deal with how I define myself as someone who is labeled by others as "non-white." I do not like to identify myself in the negative, i.e. by what I am not. I would rather be known for what I am. Another problem with the term "non-white" is that it creates an "Us" and "Them" dichotomy; insider versus outsider. So, no more non-white please. Alex, I'll take brown or buckwheat-honey-coloured for

\$200. While we are on the topic, please call me South Asian, not East Indian (it's just too colonial).

Seriously, I do not find that colour is something that frightens people at our faculty. Hey, we have all grown up watching *The Cosby Show*. What I see as a more endemic problem is the assumption that despite the fact that we come in all fashion colours, we are all the same on the inside. It's this well-meaning, liberal-minded attitude that is the real problem for me. Why? Because it means when people talk to me, they do not realize, or perhaps would rather forget, that when I was growing up, people *did* call me Paki; "friends" of mine *did* tell me that "my" kind were thieves, or dirty, or should have gone back from whence they came. By looking at me and just seeing a future model for a Benetton ad, you are ignoring the racism that I have experienced. You would be doing me and "my" people a much greater service if you acknowledged how Canadian society can treat people who look different (Note:

Please do not come up to me and say: "Ame, did people really say such things to you? How awful." You will just embarrass us both).

By just seeing me as a darker version of the "norm", you are ignoring the fact that my culture is different from that of the dominant society. I may in fact have different values from you. That my values are different do not make mine worse and yours better, or vice versa (Aside: A former roommate of mine thought that she was being sensitive to my culture by suggesting that though I dirtied her table, it was OK because my culture probably did not respect private property the way her white, Canadian family did. Thanks for coming out). The point is that while individual parts of a given culture may be less or more desirable than components of another, to make a value judgment of the whole culture on the basis of specific incidents is wrong.

Let's recap: it's OK to see others as being different. Difference is good. Value judgments are bad.



What does this have to do with your (legal) education? Consider that our different experiences affect our understanding of culture, our approaches to our education, and our perceptions of what is the "norm". For some students, raising their hands in class to address issues of equity is a form of survival, and a way to express who they are and their commitment to groups whose voices often go unheard. They do not ask their questions just to annoy you or to get up on their soapboxes (OK, maybe sometimes).

What I have seen at this faculty is that often, just as these topics are being introduced, even before the speakers are shut down and tuned out, looks of horror come over students' faces. The looks are the physical manifestations of such thoughts as "Oh no, more political correctness being shoved down our throats," or more politely, "Well, that is very interesting, but what does it have to do with the nuts and bolts of black letter law? How will this matter to my firm?" or more magnanimously, "Let's discuss it at the end of the course after we have done the *important* stuff." Sometime, instead of a roll of the eyes, it's looks of relief that I see on students' faces. They know that no professor would ever hold them accountable on an exam for the "extremist" equity concerns and social justice questions of their fist-waving classmates.

I am happy to disagree with some of the views of previous writers in the *Quid Novi*. Too often the "uninitiated" have the misperception that there is a right way and a wrong way to approach these issues. I am sure that it will frustrate some that not all of us 'ethnics' speak with the same voice. Here is a little secret: just because there is a perception of conformity in the mainstream, do not expect "us" to all think alike.

I have welcomed this opportunity to participate in an honest dialogue about a topic which is very important thing in my life. I do not purport to speak for any others student's experiences. However, I hope that by having raised these issues, you will be more sensitive to the climate that you participate in creating, here at the faculty, among your social groups, and in your work places.

# Careers Day: Entertainment and Sports Law

NANCI K. SHIP  
VISITING STUDENT

Okay, so what do you do when you plan a panel and (almost) no one comes? In my case, you try to hide your embarrassment and explain that memos were due that same day and that you are truly sorry for the turnout. I have to say that I was amazed to find out that I was not the only person who had a low turnout at their panel. As a visiting student, from a school where such opportunities are next to impossible, I have to say that I was surprised that people didn't jump at the chance to meet these lawyers - if only to get a head start on interview week in Toronto...

For those of you who did want to attend, but were unable to do so due to academic commitments, let me give you a brief summary. The panellists were Sandra Richmond from McMillan Binch, Andrew Hertzog of Coudert Freres, Micheal Prupas of Heenan Blaikie, and Ed Babin of Tory Tory.

Sandra and Micheal debunked the myth that entertainment law is all glitz and glamour. The essential element that came out of their presentation was the centrality of being a detail-minded person. You should be prepared to read a lot of contracts and to deal with clients who have a strong emotional stake (as well as financial) in the outcome of their projects. The recent increase in the number of television and movie productions going on in Canada means that there are more jobs available in the field. They

also felt that the future of entertainment law in Canada was in the realm of joint productions.

Ed and Andrew have legal practices that encompass some type of sports law. Andrew is in fact a sports agent, and if you are interested in that type of work - call him!! His big advice was that you should get involved in the sport that you are interested in and make contacts. He is a coach for a local CEGEP basketball team, and from there he was able to place players as they graduated. Also, learn as much as you can about the professional organizations in the field. But, as Ed would tell you, sports law is not really viable to practice as a sole discipline. Ed has been involved in NHL player salary arbitration and is counsel with Tennis Canada. However, he feels that much of the work is in labour and administrative law. I thought that their advice was very practical and I am sure that they would be glad to give you some starting tips.

While this can only be a brief synopsis of an hour long presentation... I urge you to contact any of these lawyers. They are friendly and approachable. They were very understanding that students had other commitments at that time, and would be very happy to talk one on one with any of you. And who knows, maybe they will come back next year!



# The McGill Law Journal

**FUN**

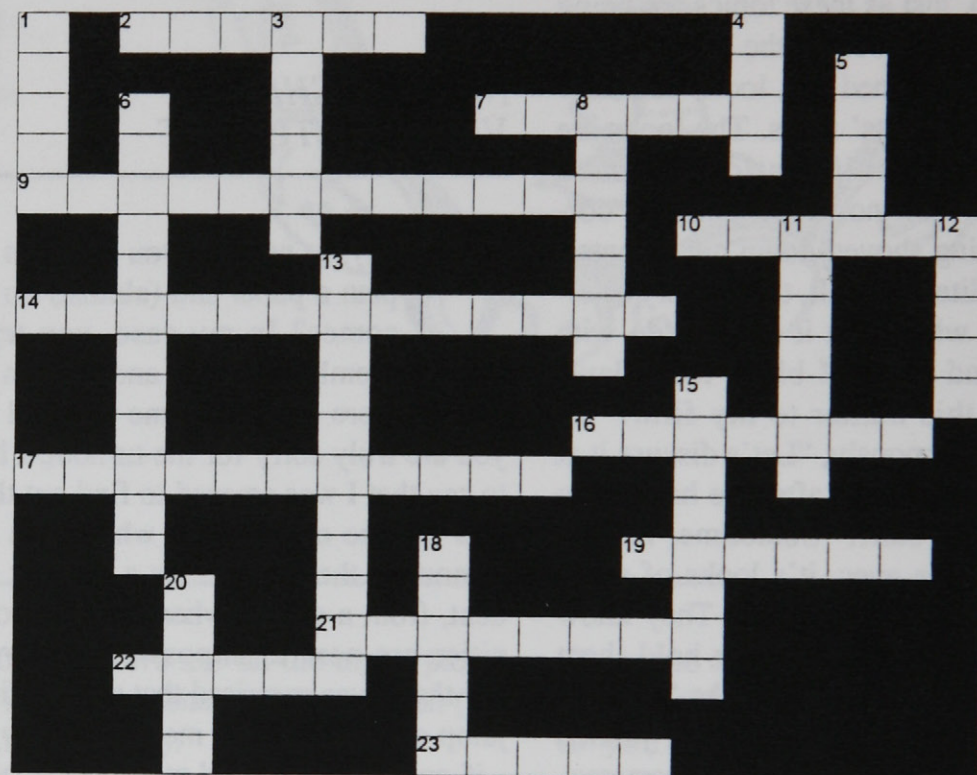
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## CROSSWORD

Welcome to the first of a weekly puzzle to help you while away your spare moments. The theme of this week's crossword is "personalities of the law faculty". Bien que ce mot croisé soit uniquement en anglais, le bilinguisme fera son apparition dans les numéros suivants.

### Across

2. Heading Downunder
7. Here From Downunder
9. Soup & Sandwich
10. Once Refused Admission at McGill
14. 1997 Teaching Excellence Award Recipient
16. Student Affairs Officer
17. Major Library Donor
19. McGill Grad Hockey Great
21. Charitable Event
22. George Clooney Cut
23. LSA President



## Some reflections on the Journal

Cliches really do say it all, don't they? Illustration:  
You're only as busy as you allow yourself to be.

Have you been scared off by the rumours of hard work and lack of time to lounge? Is this the reason that you didn't apply/won't be applying to the Journal? Rest assured that these two authors still lounge quite a bit in their 4th term of duty. See you at Coffee House.

Don't put all your eggs in one basket.

Do you get the impression that the Journal takes so much time you have to exclude yourself from other activities? It's totally possible to do everything you want while on the Journal. Current members volunteer at the Info Clinic, work for professors and for organizations not linked to the faculty, are tutorial leaders, are members and even leaders of other faculty clubs, play loads of intramural sports, hold other part time jobs, and play McGill varsity athletics.

Nous savons que nous n'avons pas inventé les boutons à quatre trous.

Nous savons que tout le monde pense que l'équipe de la Revue est composée de rats de bibliothèque et de gens qui se prennent pour d'autres. Mais ce n'est pas vrai. Nous savons que nous n'avons pas inventé les boutons à quatre trous mais on a du fun à être de bonnes fourchettes, pince-sans-rires, oiseaux de nuits et de bons vivants.

### Down

1. Recent SCC Pleader
3. Big Hair, Turtle Necks & Velvet Suits
4. Admissions Coordinator
5. Associate Dean, Graduate Studies & Research
6. McGill Law Dropout & Poet
8. Law Journal Faculty Advisor
11. Author of 1962 Journal Article & Former PM
12. Woody Allen + Allen Dershowitz =
13. Free Booze & Food
15. Father of the National Program
18. Doctorate in Jacobian Drama
20. Secretary to Dean Jutras, Aude



# A word about Class Action

AUSTIN BELL  
NAT IV

Cher (Chère) futur(e) diplômé(e) 1998

Graduation time is quickly approaching! It's time to take action for our Class Action.

Je vous informais dans ma lettre du mois de novembre que Class Action est un des nombreux programmes dont notre Association des Anciens fait la promotion. Le but principal des activités de cette association est d'effectuer une levée de fonds dans le but de permettre à des étudiants de McGill de bénéficier d'une éducation de meilleure qualité, ainsi que de tenter de maintenir les liens entre les étudiants après la graduation. Dans les années à venir par exemple, vous désirez peut-être retrouver ceux que vous avez perdus de vue depuis longtemps. But I digress...

The Class Action programme was first started by the 1989 graduating class of the Law Faculty. The class wanted to make a gift to our Law School as a token expression of their appreciation for the many benefits they received whilst being students here. Every graduate in the 1989 class made a donation, and combined, their donations resulted in a substantial gift to the Law School. The programme was so successful that other faculties adopted it the very next year.

This year our gift will be a donation to the Nancy Park Book Prize Fund. The details of the prize have yet to be completed, but the prize will probably be a book on Russian literature and a gift certificate to buy additional books from the law school book store. The criteria for selecting the recipient of the prize has also yet to be finalized, but an interest in social diversity issues and financial need



## Un Quebec Bleu

BENJAMIN ARCHIBALD  
LL B I

Preston Manning reigns in the West, the Liberal party reigns in Ontario, while Brian Mulroney still haunts us in Quebec.

Mulroney brought his good friend Lucien Bouchard into the PC party in order to accommodate Quebec. The Tories tried and tried, as did the Quebec nationalists in his cabinet, but Quebec remained outside the Canadian constitutional family. Consequently the nationalists jumped ship, creating the Bloc Québécois and usurping the *bleu* vote in Quebec.

will most likely be key considerations.

If a fellow class mate has not already contacted you to ask for your support for our Class Action gift in memory of Nancy, then they should do so shortly. They will be asking you how much you are willing to contribute to the Fund so that we will know how much our contribution will be.

N'oubliez pas de faire votre don. C'est essentiel que TOUT LE MONDE contribue; c'est votre "Class Action"! Donations can be dropped off in the Dean's Office or in Angela Chapman's Office, Room 27 on the second floor of OCDH. Alternatively, contributions can be made by direct debit

Furthermore the emergence of western alienation led to the rise of Preston Manning and the erosion of Tory blue out west. As a result, Mulroney left the party for private life and a young Jean Charest was left to clean up Kim Campbell's election disaster.

Charest is still cleaning while the Bloc and Reform have played the role of Her Majesty's loyal opposition.

It is time for Charest to stop cleaning and answer destiny's call, returning to Quebec in order to match wits with his former Tory running mate.

Whatever one's political position, one can only marvel at the absurdity of Quebec politics.

The PQ has an admirable social democratic legacy. The movement was grounded in Rousseau's general will, not American individualism.

Yet destiny has pitted two Tory conservatives against each other as the most popular politicians in Quebec. The PQ and the PLQ have abandoned policy in favour of demagoguery, both parties want to ride a leader's coattails to victory regardless of that leader's principles.

The stage is set. All that is left is for Mulroney's protégé to come home in order to dance with Mulroney's old friend.

from your account on a monthly basis beginning in April and ending in September; there is a minimum of \$10. per month for each of these 6 months to use this service. The person contacting you will have more details.

Thanks for your participation. Let's make sure that our "Class Action" is a Class Act!



# Je provoque: l'amour est-il un mythe hollywoodien?

PATRICK CORMIER  
BCL I

J'ai eu l'occasion lors de la dernière Saint-Valentin, pour la première fois depuis quelques années, de célébrer en compagnie d'une bonne coupe de vin rouge avec du Pavarotti. J'en ai profité pour débâter un peu sur un thème qui était bien de mise...

*L'amour est-il un mythe hollywoodien?*

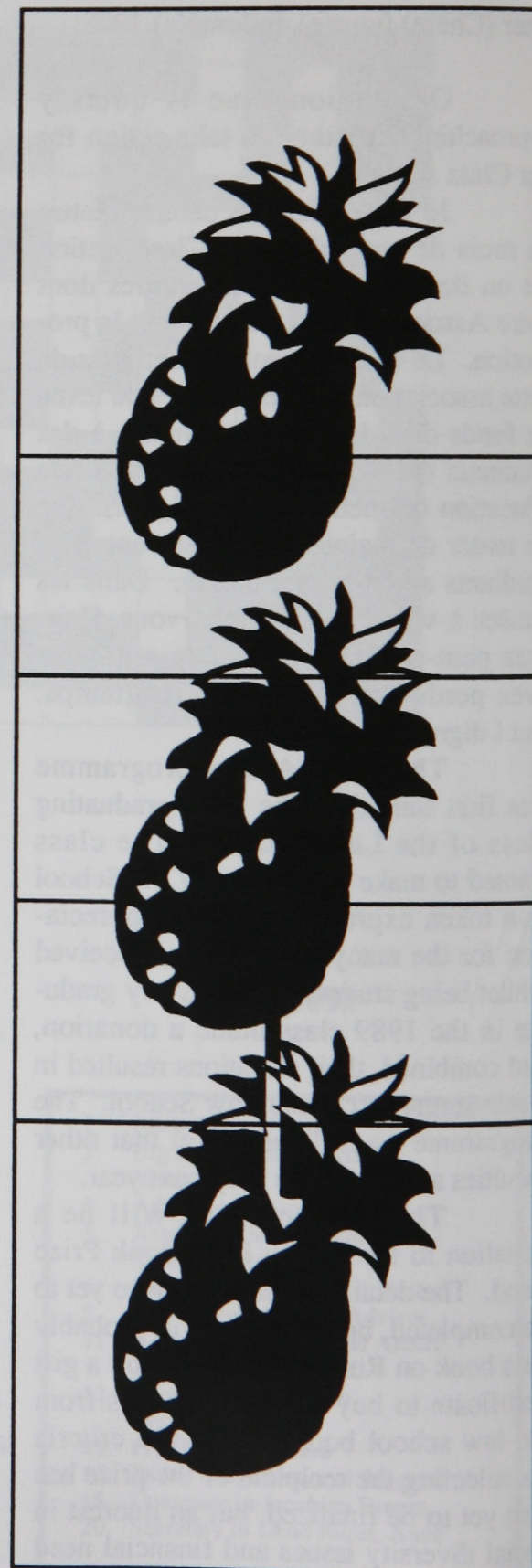
Osez - posez-vous la question. Je ne suis pas un cynique, détrompez-vous, car sans doute si l'on voulait m'affubler d'une couleur, ce serait un bleu voulant devenir vert (à vous de déchiffrer ça). Et je ne suis pas quelqu'un non plus qui est tout noir. Par contre, je m'interroge, je doute, je VEUX comprendre pourquoi tant de relations amoureuses peuvent commencer avec autant de bonne volonté, d'honnêteté, de candeur, etc (en passant, je suis idéaliste - encore maintenant), et souvent finir dans les patates. Je REFUSE d'attribuer ces échecs à des causes miraculeusement explicatives de tout: égoïsme, "démon du midi", "Women are From Venus and Men Are From Mars", fragilité de l'institution familiale en Occident, etc. Je CROIS qu'il est possible de comprendre ce sacré machin-truc-bidule merveilleux qui se passe entre un homme et une femme, mais on a besoin de se lever tôt et de se libérer d'un fatras de belles histoires hollywoodiennes (pour lesquelles j'ai toujours un faible, je l'avoue).

J'ai commencé il y a cinq ans à faire un effort sincère de Comprendre (oui, avec un grand "C"): ça n'a pas été de tout repos. Après un bris de fiançailles plutôt titanesque, je me suis tapé "Are You The One For Me? Knowing Who's Right & Avoiding Who's Wrong" du Dr. Barbara De Angelis. Réconfortant. Elle commence par briser plusieurs mythes ("True Love Conquers All", etc) et nous fait voir plein de "réalités" qu'il faut confronter dans les relations. Après, j'ai lu un truc qui avait passé pas mal de temps dans ma bibliothèque: "His Needs - Her Needs: Building An Affair-Proof Marriage":

incroyable. Non vraiment, la réforme de l'éducation au Québec devrait être saisie de ce volume - c'est un million de fois plus utile que les cours d'économie familiale!!! L'auteur, le Dr. Willard F. Harley, un psychologue avec plus de 25 ans d'expérience en thérapie de couple, montre comment la dynamique dans le couple est une dynamique de "besoins", et que ceux-ci sont sensiblement les mêmes pour chaque homme et sensiblement les mêmes pour chaque femme - mais différent énormément d'un sexe à l'autre! Merveilleux. Je viens de comprendre pourquoi ma blonde ne me comprenait pas (et vice-versa, pour être honnête).

J'ai aussi passé par les explications psychiatriques (analyse transactionnelle, émotivité de l'enfant polarisé sur le tard en comportement spécifique adulte, etc), anthropologiques (hmmm... y a beaucoup de monde très sérieux qui essaient de comprendre la magie homme-femme par le biais de l'étude des relations de couple animal - avec des résultats allant du cocasse au crédible), philosophiques (tapez-vous Erich Fromm un de ce soir), sexuelles (il suffit de lire Nancy Friday, ou plutôt, un échantillon de ses milliers de correspondants, pour comprendre à quel point les femmes et les hommes envisagent le sexe d'une façon si différente) et poétiques (sans doute la façon la plus satisfaisante - il suffit de lire Khalil Gibran pour s'en rendre compte).

Résultat? Eh bien, je ne suis pas désabusé, ni cynique, juste un peu contrarié de vivre dans une société qui a bâti un idéal hollywoodien de l'amour auquel les "bons" garçons et les "bonnes" filles doivent se plier, et v'lan - ça n'marche pas. Peut-être que la prochaine fois que j'écris, je tenterai d'explorer ce que c'est, ce beau et mystérieux sentiment éluif qu'est l'amour... Ça me changera d'écrire un memo.





# Highlights from Mediation and Arbitration panel

JULIE DAOUST  
LL B II

**O**n Thursday, 12 February, 1998 panels were held at the Faculty on various aspects of private legal practice. I hosted the panel on Mediation (get parties to personally arrive at consensus) and Arbitration (arbitrator decides the matter). Here are the highlights...

Me Brigitte Garceau du cabinet Robinson Sheppard Shapiro à Montréal a parlé de son expérience en tant qu'avocate et médiatrice en droit de la famille. Elle a souligné que:

- La loi québécoise exige que tous les couples cherchant à obtenir un divorce assistent à une session informative sur la médiation familiale. Suite à cette séance, ils peuvent choisir de continuer ou d'abandonner la médiation.

- La médiation est gratuite si le couple a des enfants.

- Les médiateurs sont des psychologues, juristes, thérapeutes, etc.

- Il y a conflit d'intérêt lorsque les médiateurs qui sont aussi juristes représentent les clients qu'ils ont vu en médiation. Cela n'est pas permis.

- Il n'y a pas d'arbitrage en droit de la famille.

Mr. Barry Leon from the Toronto firm of Tory Tory Deslauriers & Bennington spoke on mediation and arbitration in the corporate/commercial context. He said:

- The trend started in California and initial training was always done in the United States. However, the practice is now prevalent in Canada.

- Clients often prefer this option over traditional litigation since it saves both time and money.

- In Arbitration, both sides have a say in who is chosen as the arbitrator. This person will usually have better knowledge of the subject-matter at issue than the average judge.

- Many arbitrators are retired judges.

- If one is interested in becoming a mediator or arbitrator in this field of law, one should first build a strong reputation as a lawyer, judge or business leader.

Me Catherine Maheu de chez Lavery, DeBilley à Montréal travaille en droit du travail. Elle a raconté que:

- L'arbitrage est une pratique courante en droit du travail.

- Les commissaires du Tribunal du travail sont experts en la matière.

- La plupart des contrats de travail et conventions collectives doivent inclure une clause garantissant l'arbitrage en cas de conflit.

- La médiation n'est pas très efficace en droit du travail en raison des émotions très chargées des parties.

- On se sert parfois de la séance de médiation pour des fins de divulgation de preuve et pour tenter d'apprécier les forces et faiblesses de la partie adverse. Ce n'est donc pas de la médiation au sens propre du terme.

All three panelists suggested that mediation and arbitration is an ever-increasing practice. We should all find out more about it.



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*Ceci n'est pas un hot-dog*



# Quid Novi.



***He reads the Quid.  
You should too.***



# BCL + LLB = more possibilities

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also suggested that the dual-degree was another way to set oneself apart from other applicants for positions and helps to create a "niche" for oneself in the field.

Our second speaker was Kathryn Sabo of the Public Law Policy section of the Department of Justice in Ottawa. Ms. Sabo finds the knowledge of both systems indispensable in her fields of private international law and international commercial law. Her work involves determining Canada's legal position on an international project after consulting with each province

and Ottawa as to their respective positions, given the subject matter of the project. She often represents the Canadian position as a whole at meetings of international organizations such as the UN. During such meetings, her knowledge of both the Common and Civil Law is helpful for articulating and clarifying conceptual blocks which arise when representatives of countries with different legal systems use similar terminology for different concepts, or when concepts do not exist in one party's legal system. Ms. Sabo felt that the National Programme gives one a broader conceptual framework for dealing with legal issues and that four years studying law helps to develop a more solid approach to legal thinking.

Sophie Perreault, our third speaker, does civil and penal litigation with Ogilvy Renault here in Montreal. She stressed the freedom and flexibility the Programme provides in terms of career choices and thinking style, espe-

cially since one never knows what situations will come up in practice or life in general. Ms. Perreault practices mainly Civil Law, but said that her knowledge of Common Law has been useful in her litigation. Because she knows the Common Law, she has the option of using cases from Common Law jurisdictions in Canada when in court in Quebec. She can choose elements which do or do not apply to her case and use them to support her position. Also, her knowledge of both systems has made her work easier. Recently, when she had a maritime law case, she just had to dust off her Common Law and maritime law books instead of starting from scratch!

All three of our speakers could not think of any strong disadvantage from having done the National Programme, although one speaker mentioned that she sometimes becomes "muddled" between Civil and Common Law. As for the extra year, Ms. Perreault said that a colleague of hers put it best when he said, "What is an extra year when you have forty years of work in front of you?"

